

COUNTY ACT REVIEW

FINAL REPORT

**Alberta
County Act Review Committee**

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INTRODUCTION

Three previous reports prepared by the County Act Review Committee have been widely distributed for comment by interested persons and organizations over the past four years. A wide variety of opinions has been expressed by respondents. At the extremes are minor groups who would either not change one word of the Act or would have the county system abolished. In between these extremes the vast majority of respondents would support strengthening the county system, clarifying various provisions of the Act and introducing some innovative features to respond to the evolving nature of the communities in counties.

In the most recent round of public consultation the committee has been greatly assisted by the advice of a special committee established by the Alberta Association of Municipal Districts and Counties and by a report prepared by the Alberta School Trustees Association emanating from a special, widely-representative workshop session. Individuals, county authorities and the councils of municipalities included in counties for school purposes have also made valuable contributions.

Besides the various specific issues which have been identified in the course of its work, the County Act Review Committee has noticed that even its regular users are not entirely familiar with the existing County Act. Partly this is because the provisions related to formation of a county, for example, would normally only be used once and therefore may have little relevance to a county formed some decades ago. In addition, however, it is also because many persons find the existing Act, particularly after a whole series of ad hoc amendments, to be difficult to read and understand.

Therefore, the committee has concluded that the Act should be rewritten, even if no substantive changes were to be accepted, so that its provisions might appear in a more logical order and that it would be easier to read and understand.

Substantive changes, in response to the issues raised in the course of its work, are also being proposed. These are discussed in the body of the report.

The committee appreciates the commitment of time and interest which many persons have given to this lengthy review. The committee understands that it has not been easy for persons with a long-time attachment to the county system to consider changes to a system in which they have invested a significant portion of their lives in public service. The system review has been undertaken while local authorities have been grappling with new economic realities requiring tough decisions on service levels and delivery mechanisms and while some counties have been struggling with other significant local issues. The commitment to the review is therefore, all the more impressive and the committee deeply appreciates both the quality of the advice it has received and the manner in which it has been offered.

The committee proposal for a rewritten Act is the major portion of this report. Readers should understand that the proposal may be altered from a policy perspective during review by the government. It may also be amended from a drafting perspective during the various stages of legislative review leading to the introduction of a Bill in the Legislative Assembly, perhaps in the spring of 1988.

The following pages of the report provide a description of some of the recently debated issues raised with the committee. This narrative is followed by the committee's proposed rewrite of the Act.

DISCUSSION OF ISSUES

COMMITTEE APPOINTMENTS

Section 16 of the existing Act requires the council to appoint a municipal committee and enables it to appoint an agricultural committee under the Agricultural Service Board Act and such other committees as it considers necessary.

In practice the municipal committee most often consists of the whole council. In such situations it seems unproductive to require the appointment of a municipal committee to make recommendations to the council whose membership is the same. The committee is therefore proposing that the appointment of a municipal committee be enabling rather than mandatory.

The committee is also proposing clarification of the power of the council to appoint persons other than its own members, if it so desires, to any of the other committees it may establish.

CORPORATE OFFICIALS

Section 15 of the existing Act empowers the council to appoint a county secretary and "any other officials required to assist the county secretary and to provide for the efficient conduct of the business of the county council and its committees". With the exception of the change in reference from the "municipal secretary" to the "county secretary" this section has remained unamended since 1969.

In 1969 the "board of education" was still referred to as the "school committee" and it was clear that the secretary filled that role for both the municipal and school functions and therefore the "other officials" referred to were both municipal and school officials. Since the board of education is no longer a committee, this reference is not so clear. The section is seen as both too restrictive in its identification of the secretary as a corporate official and too broad in its reference to "other officials".

In order to clarify the function of the council as the corporate authority the committee is proposing that council have sole responsibility for the appointment of the county secretary, county treasurer, county auditor and county solicitor. In addition the council would have authority to combine the functions of the secretary and the treasurer into one position of a county administrator who would have all the duties of both positions.

The committee believes, as suggested by the ASTA, that appointment of corporate officials whose primary responsibilities relate to school matters should be done in consultation with the board of education.

COUNCIL/BOARD OF EDUCATION ROLES

The existing Act ascribes to the council "all the rights, powers, privileges, duties and functions" of a board of trustees of a school division under the School Act. It also describes the board of education as having all the "powers and duties" of a board of trustees except the powers to borrow money or pass by-laws.

The committee believes that the apparent duplication in the allocation of board of trustees responsibilities arose through the amendments that gave effect to the evolution of the board of education from the original school committee. As the role of the school authority grew to encompass most of the functions of a non-county board (except those requiring corporate approval) there was an oversight in not redescribing the council's role in school matters.

The committee has consistently proposed that these provisions be clarified so that the board of education would have all of the powers of a board of trustees except those requiring corporate action and the role of the council in school matters would be confined to those corporate actions. This proposal has been generally supported and is embodied in the proposed rewritten Act.

DISQUALIFICATION

It has come to the committee's attention that under the existing Act it is not clear what, if any, disqualification rules apply to school representatives.

In the interests of consistency, and since it is widely accepted that Municipal Government Act rules apply to county councillors, it is proposed that the Act clarify that these rules apply also to the school representatives.

MISCELLANEOUS

The proposal of the committee includes a variety of changes from the existing Act, many of which are in the nature of administrative clarifications to facilitate the operation of counties.

It is proposed to clarify that the Local Authorities Election Act, Municipal Government Act and the School Act apply to a county insofar as they are not inconsistent with the County Act.

It is proposed to provide that the holding of an annual meeting is optional for either the council or the board of education but that if the council does hold one, school matters shall be discussed first. The AAMD&C committee suggested that the order of the agenda should be the option of the meeting. However, this committee believes that for the convenience of the urban school electors and so that they will not be tempted to engage in debate of rural municipal matters, the existing provision for discussion of school matters first should be continued.

Other issues included in the proposal which were discussed in previous reports include

- (a) efficient use of monies in the possession of the county
- (b) clarification that the county council is to set the mill rate(s) for taxes in the county
- (c) clarification that a school representative may sit as a councillor when the business before the council relates to the annual estimates or the approval of the budget of the board of education
- (d) a provision enabling the school representatives to influence the passage of a debenture by-law necessary to implement the approved budget of the board of education
- (e) enabling a uniform rate for all hospital, nursing home and senior citizen foundation requisitions
- (f) facilitation of joint provision of common services
- (g) enabling the establishment of systems of administration in counties similar to those which may be implemented in municipalities

MODIFIED COUNTY

Among the proposals advanced to the committee regarding the elimination of "rotation" (see a following section "REPRESENTATION ON BOARD OF EDUCATION") has been the suggestion of a separately elected council and board of education within the umbrella organization of a county.

Some argue that such a system would quickly result in a reversion from a county system to a municipal district and a school division, certainly in practice if not in fact. The committee, however, is inclined to the view that legislation should not inhibit the creative development of special local government forms which are consistent with the spirit and intent of the general legislation.

The committee is therefore proposing provision for the establishment of modified counties. In general in a modified municipal committee members would be elected in the same manner as municipal district councillors and board of education members would be elected in the same manner as school division trustees. The reeve would be elected at large and that person, together with two of their numbers appointed by each of the municipal committee and the board of education would form the county council. The reeve would be a full member and chairman of both the municipal committee and the board of education.

Electoral divisions would be established on a representation by population basis and would be coterminous so that a person, if he or she wished, could run and be elected as a member of one or both of the municipal committee and the board of education. Residents of the urban municipalities would be entitled to run or vote only for board of education members and separate education wards would be established in the large urban centres again respecting representation by population. Both the rural and urban electors would vote in the election of the reeve.

A modified county system could only be established upon local request, similar to the procedure required for a modified representation system.

PETITION SIGNATURES

Section 5 of the existing Act provides for a petition by the electors for a vote on the continuation of the county. Concern has been expressed that there is no time limit for the preparation of such a petition. In the extreme the collection of signatures could be carried out over a number of months or years during which time some of the original signators could have died, moved or changed their minds.

The committee has consistently proposed that such a petition include the date of signature by the petitioner and that the signature be valid for 120 days. This proposal has been generally accepted over the period of this committee's work until the August 1987 report of the AAMD&C County Act Committee suggested a reduction to 60 days to bring the time frame more in line with the limitation periods set out in other legislative requirements.

The committee has accepted this suggestion and is recommending a 60 day time limit.

REEVE/CHAIRMAN, BOARD OF EDUCATION ROLES

The existing Act vests in the reeve "all the rights, duties, privileges and powers" of the chairman of a board of trustees under the School Act. It also provides that the chairman of the board of education may exercise or perform "the rights, duties, privileges and powers" of the chairman of a board of trustees "in like manner and with the same effect as if they were exercised or performed by the reeve of the county council".

See the discussion under "Council/Board of Education Roles".

To reduce the potential for conflict the committee proposes, as it has in the past, that the reeve's powers respecting school matters should be related to those corporate actions which are the responsibility of the council. This proposal has been generally supported and is embodied in the proposed rewritten Act.

REPRESENTATION ON BOARD OF EDUCATION

The existing Act provides a formula entitling the urban municipalities included in a county for school purposes to elect representatives to serve on the board of education. The Act also provides that the number of school representatives serving on the board shall not exceed the electoral divisions in the county. When the urbans are entitled to elect more than that number the Act provides for a system of rotation so that some of the persons elected as school representatives take turns actually serving on the board. Consequently school representatives only sit on the board when they are appointed to it by the council.

These appointments occur at the organizational meeting each year with the exception that section 17(1.1) provides for the appointment of a school representative elected at a by-election at the next meeting of council following the by-election. An anomaly exists in that there is no provision for the replacement of a councillor on the board in between organizational meetings.

Representation on the board of education is by far the most contentious issue raised with the committee. School representatives feel that they have been elected to represent the school interests of their city, town or village and should automatically be members of the board. Those in the "off" period of their rotation feel that they are second class elected officials. There is a feeling in some jurisdictions that the resultant board is larger than necessary or is too large to function effectively. On a "rep by pop" basis some larger urbans feel under-represented on the board as do some rurals where there are a number of small urban educational units.

While there is fairly general agreement that rotation should be eliminated there is no general agreement on how this should be accomplished. In the 24 counties where rotation is not required, its elimination would have no effect. In the other six there would not appear to be any one formula which would match each local situation.

The committee has proposed that rotation be eliminated and that the current formula of representation entitlement be continued but that the county council and either the board of education or a 2/3 majority of the councils of educational units be authorized to approve a modified or alternative form of representation on the board. Council would be required to advertise its intention to pass such a by-law similar to the Municipal Government Act requirements for the passage of a debenture by-law.

The AAMD&C committee has proposed that such a by-law should require Ministerial approval and the committee therefore has included provision for Ministerial approval prior to the advertising.

The committee recognizes that the proposed provision is very general in nature. Its intention is that the Act should enable the people of the county and its educational units to develop a system with which they are comfortable. Examples of creative local approaches could be the implementation of rotation by local option, weighted voting, restriction of the number of councillors to be appointed to the board with a consequent reduction in the number of school representatives and so on.

IT SHOULD BE NOTED that the committee does not intend that the modified system of representation should be considered as a response to the proposal advanced by the County of Camrose and others for a separately elected council and board of education. See "MODIFIED COUNTY SYSTEM" in a previous section of this report.

Elimination of rotation also eliminates the need for council to appoint the school representatives to the board.

SCHOOL TRUSTEES

In the School Act, the official name of the school board is the "Board of Trustees" and members are referred to as "trustees" as in the Alberta School Trustees Association. The AAMD&C committee has suggested that the councillors and school representatives serving on the board of education should also be referred to as "trustees".

The committee is proposing to include in the Act a definition of "trustee" as being a member of council or a school representative serving on the board of education and, where appropriate, to use the term "trustees" in the Act.

SEPARATE SCHOOL SUPPORTERS ON COUNCIL

Section 17 of the existing Act provides that a member of council who is an elector of a school district that is not included in the county for school purposes is not eligible for appointment to the board of education. This normally impacts on councillors who are separate school supporters but could also affect councillors in instances, for example, where the boundaries of a town school district extend into a surrounding rural area.

In general this provision is supported but concerns have been raised that the religion of a candidate may become a factor in a council election. Secondly, there is a tendency among county electors to consider that they are not represented on the board of education if "their councillor" has not been appointed to the board.

This committee had earlier concluded that there was no action that could be taken with regard to this provision. The county council is not required to appoint all of its members to the board of education and therefore there is no guarantee that every electoral division would be represented on the board even if all of the councillors were county school supporters. The other factor worthy of note is that members of the board of education are responsible for the whole school system, not just one particular school or one electoral division or educational unit. The interests of all the school electors and students should be considered by the members of the board, regardless of their place of residence.

The AAMD&C Committee, in grappling with this issue, was unable to provide a definitive recommendation. It suggested that if a councillor who is not eligible for appointment to the board of education, is elected, then perhaps there could be a by-election to select a school representative for that electoral division. In essence the electoral division would be treated as if it was an educational unit but the divisional person elected would not be able to exercise any of the rights of a school representative to vote at council on school budgets - the councillor carrying that out. Alternatively the situation could be dealt with under a Modified Representation By-law. It raised these as ideas to be considered rather than as recommendations.

This committee recognizes that the concerns expressed arise from real-life situations and should not be treated lightly. The committee also recognizes that there is a hypothetical possibility that an entire council could be elected, all the members of which were ineligible for appointment to the board of education.

Short of disqualifying separate school electors from election to the county council, which the committee views as repugnant, no obvious remedy for the concerns which could fairly address all the various situations which could arise has been proposed. The committee, therefore, is proposing no change in this regard. However, the use of either the provision for modified representation or for a modified county could assist in resolving the concerns.

SIGNING OFFICERS

The AAMD&C committee has suggested that there be clarification of signing officer authority, a question not previously addressed by this committee. The AAMD&C group has proposed that the reeve and county secretary or their designated alternates, are the signing officers of the corporation. The ASTA submission suggested that the board of education should designate its own signing officers.

Since cheques, contracts and other legal documents are entered into by the corporation, it is logical that the corporate authority (the county council) should designate those elected and appointed officials who are authorized to sign on its behalf. However, it does not necessarily

follow that such signing should be limited to the reeve and county secretary. The volume of documents in the larger counties alone would dictate against such a requirement and the committee believes that the Act should be flexible enough to enable designation of signing authorities appropriate to the local situation.

The committee therefore is proposing that the Act authorize the council to designate signing officers for all or classes of such documents. The committee believes that it would be appropriate for council to designate board of education members as signing officials for various types of school-related documents.

STATUS OF REEVE

Section 13 of the existing Act refers to the reeve as the "chief executive officer" of the county. The committee has proposed that the reeve be referred to as the "chief officer" which is the phrase that is used in the Municipal Government Act to describe a mayor or the reeve of a municipal district.

The existing School Act does not refer in this manner to the chairman of the Board of trustees but does refer to the superintendent as "executive officer of the board". The 1987 Bill 59 proposing a new School Act specifically refers to the superintendent as "the chief executive officer of the board".

These references to both an elected official and an appointed official as the "chief executive officer" of the county corporation is not appropriate.

The committee understands that the intent of the School Act is that the superintendent is the official responsible for executing the policy directives of the Board of Trustees and in that sense is the "chief executive officer". The intent of those who express concern, however, is that the chief executive officer is the head of the executive group, that is the elected body, and from that perspective, it is not proper to refer to an employee as the chief executive officer.

The committee has been advised by experts in the field that a search of organizational design literature indicates that there is no firmly established definition of the term "chief executive officer". When used the designation is normally applied to the most senior position in a multi-functional organization but not all such positions are so designated. The designation is not normally used for a position heading up a single function and no examples could be found of a chief executive officer being subordinate to some other official in any one organization. However, in the example of the Chrysler Corporation, Lee Iacocca is referred to as the "Chairman" of the Chrysler Corporation and Moe Closs is known as "President and CEO, Chrysler Canada".

The committee has concluded that the term "chief executive officer" is confusing in the county system. It is clear that the reeve is intended to be the senior elected official of the county and is not subordinate to any other elected or appointed official. The committee

therefore has concluded that the term "chief officer" (similar to the Chrysler terminology of Chairman for Mr. Iacocca who is clearly the senior officer) is most appropriate, will strengthen the position of the reeve as the senior elected official and will serve to distinguish the position from any administrative office.

SUMMER VILLAGE PERMANENT RESIDENTS

The existing Act provides that a summer village located within a county with a permanent population of 150 or more is an "educational unit" and is therefore entitled to elect a school representative. The permanent residents of a summer village of less than 150 population have no vote for a member of a local school authority.

The committee originally proposed a revised system of representation on county boards of education which would have seen the urban communities, singly or together, electing a number of school representatives determined by the average population represented by county councillors appointed to the board. For a variety of reasons this proposal was widely opposed and was dropped. The committee then proposed that the residents of the smaller summer villages vote at the election of the county councillor for the electoral division in which the summer village is located. Concern has been expressed that in areas where there is a concentration of summer villages the permanent residents could determine the outcome of the election contrary to the wishes of the majority of the rural electors.

The primary issue, related to the principle of "no taxation without representation", is that normally permanent residents of Alberta urban municipalities are entitled to run as candidates for and vote at the election of local municipal and school authorities. Summer village residents have that right related to their municipal councils.

Because the formation of a summer village reflects a conscious desire by the residents and property owners to withdraw from the surrounding rural municipal government, the committee recognizes that it may be inappropriate to permit the residents to vote at the election of a county councillor. Secondly, the residents have the franchise for municipal elections for the summer village council. The absence of a franchise is related only to the local school authority.

The committee therefore is proposing that the permanent residents of summer villages under 150 population be given the right to run and vote in the election for school representative in the nearest urban (city, town or village) educational unit. The committee is proposing that any necessary groupings be established by Ministerial order in the same manner as the boundaries of electoral divisions are established after the initial formation of a county.

REWRITTEN ACT PROPOSAL

**Proposed
Section**

**Existing
Section**

1(1)(a)

1 In this Act,

(a) "educational unit" means

(i) a city, town or village, other than a summer village, included in a county for school purposes under section 7,

(ii) a city, town or village, other than a summer village, included in a county for school purposes under section 25,

(iii) those school districts or parts of them included in a county for school purposes only under section 26,

(iv) a summer village included in the county for school purposes that has a population of 150 or more persons, or

(v) a hamlet (as defined in the *Municipal Government Act*) that has a population of 5000 or more persons:

1(1)(b)

new

1(1)(c)

(b) "Minister" means the Minister of Municipal Affairs;

1(1)(d)

(d) "school representative" means a person appointed under section 18 or elected under section 19 or 20 to represent an educational unit.

1(1)(e)

1(1)(f)

(c) "municipality" means a municipal district, improvement district or special area:

REWRITTEN ACT PROPOSAL

COUNTY ACT

PART I - GENERAL

1(1) In this Act

(a) "educational unit" means

(i) a city, town or village included in a county for school purposes under section 6

(ii) those school districts or parts of them included in a county for school purposes only under section 19(2)

(iii) a summer village included in a county for school purposes that has a population of 150 or more persons, or

(iv) a hamlet (as defined in the Municipal Government Act) that has a population of 5,000 or more persons

(b) "elected authority", with respect to an educational unit, means

(i) the council of a city, town or village referred to in clause (a)(i)

(ii) the Minister of Education with respect to a school district or part thereof referred to in clause (a)(ii)

(iii) the council of a summer village referred to in clause (a)(iii)

(iv) the county council with respect to a hamlet referred to in clause (a)(iv)

(c) "Minister" means the Minister of Municipal Affairs

(d) "school representative" means a person elected to represent an educational unit on the board of education of a county

(e) "trustee" means a member of the county council or a school representative serving on the board of education

(f) "urban municipality" means a city, town, village or summer village.

Proposed Section

1(2)

Existing Section

22(1) For the purposes of this Act, the population of an educational unit shall be determined by deducting the number of separate school supporters in the educational unit from the population of the educational unit that is derived from

(a) the last census taken in respect of that educational unit between April 1 and June 30 in any year, or

(b) the latest population census under the *Statistics Act* (Canada),

whichever census is the more recent.

§ (4) For the purposes of subsection (3), the population of a county shall be derived from

(a) the last census taken by the county between April 1 and June 30 in any year, or

(b) the latest population census taken under the *Statistics Act* (Canada),

whichever census is the more recent.

1(3)

10 At an election for members of the county council the method of election, the eligibility of persons to vote, the preparation of the list of electors and all other matters connected with the election shall be governed by the provisions of the *Local Authorities Election Act* in so far as they are applicable.

1(4)

36 The *Municipal Government Act* and the *Local Authorities Election Act*, in so far as they are not inconsistent with this Act, apply to a county.

1(5)

35 A reference in an Act to

(a) a municipal district, improvement district, special area, school division, municipality or local authority,

(b) the board or council of a school division, municipality or local authority, or

(c) the Minister of Municipal Affairs, in the case of an improvement district or special area

shall, where a county is concerned, be deemed to be a reference to the county, the county council, the municipal committee or the board of education, as the case may be.

1(6)

new

1(7)

new

(2) A reference in this Act to "population" means the population as determined pursuant to the Property Tax Reduction Act except that in relation to a school purpose the number of separate school supporters in an educational unit or the county shall be deducted from the population as determined under that Act.

(3) Any election, plebiscite or vote on a by-law or question required under this Act shall be carried out in accordance with the provisions of the Local Authorities Election Act.

(4) The Local Authorities Election Act, Municipal Government Act and the School Act, insofar as they are not inconsistent with this Act, apply to a county.

(5) Subject to the provisions of this Act, a reference in an Act to

(a) a municipal district, school division, municipality or local authority, or

(b) the board or council of a school division, municipality or local authority

shall, where a county is concerned, be deemed to be a reference to the county, the municipal committee or the board of education, as the case may be.

(6) In addition to the requirements of a petition under the Municipal Government Act, a petition under this Act shall include the date of signature and the validity of the signature expires 60 days after it was made if the petition has not been filed with the county secretary prior to that date.

(7) A county council may by by-law provide that the county be known as ".....County" rather than "The County of" and may use the designation "...County" for any purpose for which the designation "The County of..." may be used.

Proposed Section

Existing Section

2

4 No order establishing a county shall be issued by the Lieutenant Governor in Council until either the Minister of Municipal Affairs or the Minister of Education has received from

(a) the council of a municipality, if the area included in the municipality comprises the major part of the area to be included in a proposed county, or

(b) the board of the school division, if the area included in the school division comprises the major part of the area to be included in a proposed county,

a copy of a resolution that has been passed by the council or board, as the case may be, requesting the establishment of a county in a specified area.

3

new

4

new

PART II

FORMATION, ALTERATION, DISSOLUTION

RESOLUTION TO ESTABLISH COUNTY

2 A resolution requesting the establishment of a county may be passed by

(a) the council of a municipal district, improvement district or special area, or

(b) the board of a school division

whichever comprises the major part of the area to be included in a proposed county, or

(c) both the council and the board

and a copy of the resolution shall be forwarded to the Minister and the Minister of Education.

URBAN MUNICIPALITY IN COUNTY

3(1) The council of an urban municipality which is

(a) proposed to be included for school purposes in a county which is the subject of a resolution under section 2, or

(b) is included in an established county

may by by-law request the Lieutenant Governor in Council to merge the municipal administration of that urban municipality with the county.

(2) A by-law proposed to be passed under this section is subject to the provisions of section 324, Municipal Government Act, with respect to advertising and approval of the electors of the urban municipality.

(3) A by-law passed under this section shall be forwarded to the Minister.

MINISTERIAL RECOMMENDATION

4(1) The Minister, in consultation with the Minister of Education, upon receipt of a resolution under section 2, may recommend to the Lieutenant Governor in Council that a county be established.

(2) The Minister, upon receipt of a by-law under section 3, may recommend to the Lieutenant Governor in Council that an urban municipality be included in a county for both municipal and school purposes.

Proposed Section

Existing Section

5(1)

2(1) The Lieutenant Governor in Council may by order establish in an area a local government to be known as "The County of No.", fix the boundaries of the county and on any terms and conditions he considers proper.

- (a) incorporate into the county the whole or a part of any existing municipality or school division that is within the boundaries of the county,
- (b) incorporate into the county for school administrative purposes only, one or more school districts situated wholly or partly outside the boundaries of the county,
- (c) alter the area of a municipality or school division for the purpose of providing a common boundary for the county and a municipality or school division included in the county,
- (d) fix the number of councillors not exceeding 11 in number, to be elected to the county council, and
- (e) establish electoral divisions within the county and define their areas.

5(2)

new

5(3) and 5(4)

2(2) An order under this section shall be published in The Alberta Gazette and becomes effective on January 1 in the year following the publication of the order.

ORDER ESTABLISHING COUNTIES

5(1) Upon receipt of the recommendation of the Minister, the Lieutenant Governor in Council may by order establish in an area a local government to be known as "The County of" fix the boundaries of the county and on any terms and conditions he considers proper

(a) incorporate into the county the whole or part of any existing municipal district, improvement district, special area or school division and any urban municipality that is within the boundaries of the county

(b) incorporate into the county for school administrative purposes only, one or more school districts situated wholly or partly outside the boundaries of the county

(c) alter the area of a municipality or school division for the purpose of providing a common boundary for the county and a municipality or school division included in the county

(d) establish electoral divisions within the county and define their boundaries

(e) fix the number of councillors to be elected to the county council from each electoral division and, notwithstanding any other Act, may provide for the election of more than one councillor from any electoral division.

(2) If an order under this section includes the merger of the municipal administration of an urban municipality with the county, the Order may authorize the county council to levy in the area comprised of a former urban municipality a different mill rate for municipal purposes from that prevailing in the balance of the county if

(a) the surplus deficit or debenture debt brought into the county by the former urban municipality warrants that action until such time as the former urban municipality has received the benefit of the surplus or the deficit or debenture debt has been repaid as the case may be, or

(b) municipal services are provided in the area of the former urban municipality which are not provided in the balance of the county.

(3) Notwithstanding this or any other Act an Order under this section may provide that the Order comes into force on different dates for the purposes of

(a) assessment

Proposed Section

Existing Section

5(5)

2(3) The publication of the order is conclusive proof of the legal formation of the county and of the fulfilment of all the conditions precedent to its formation.

6(1)

7(1) This Act does not apply to

- (a) a city school district,
- (a.1) a town school district,
- (b) a village school district, or
- (c) a separate school district,

that is not included in a school division.

(2) A school district referred to in subsection (1) may be included in a county by agreement in the same manner as a school district may be included in a school division under the *School Act*.

(3) When a school district referred to in subsection (1) is included in a county, a city, town or village included in the school district shall be represented on the board of education in accordance with this Act.

7(1)

8(1) On publication of the order establishing a county,

- (a) the Minister of Education in the case of school divisions, and
- (b) the Minister of Municipal Affairs in the case of municipalities.

shall proceed to divide and apportion the assets and liabilities of any school division or municipality that is partly included in the county.

- (b) taxation
- (c) elections, or
- (d) any other purpose

and may direct such modifications of procedures prescribed under any other Act as are necessary to give effect to the intent of this section.

(4) An Order under this section shall be published in the Alberta Gazette.

(5) The publication of the Order is conclusive proof of the legal formation of the county and of the fulfillment of all the conditions precedent to its formation.

INCLUSION OF SCHOOL DISTRICT

6(1) This Act does not apply to

- (a) a city school district
- (b) a town school district
- (c) a village school district, or
- (d) a separate school district

that is not included in a school division.

(2) A school district referred to in subsection (1) may be included in a county by agreement in the same manner as a school district may be included in a school division under the School Act.

(3) When a school district referred to in subsection (1) is included in a county, a city, town or village included in the school district shall be represented on the board of education in accordance with this Act.

DIVISION OF ASSETS AND LIABILITIES

7(1) On publication of the Order establishing a county

- (a) the Minister of Education in the case of school divisions,
and
- (b) the Minister in the case of municipalities

shall proceed to divide and apportion the assets and liabilities of any school division or municipality that is partly included in the county.

Proposed Section

Existing Section

7(2)

9(2) Each Minister mentioned in subsection (1) may issue orders and directions necessary to give effect to his decisions.

7(3)

8(3) An order or direction of a Minister made under this section, so far as it relates to matters within his authority, is final and may not be appealed or challenged.

8

12 On the effective date of the establishment of the county

(a) each municipality and school division that is wholly included within the county ceases to exist and its council or board ceases to have any jurisdiction, power, duty or function,

(b) the council or the board of any municipality or school division that is partly included within the county ceases to have any jurisdiction over the part that is included within the county,

(c) all rights, powers, privileges, duties and functions belonging or appertaining to or exercised by any municipality or school division wholly or partly included within the county, or by its board or council, are deemed to be vested in the county or the county council, as the case may be, and the county council has sole jurisdiction within the county,

(d) all properties and all other assets and liabilities that belong to each municipality and school division that is wholly included within the county are vested in the county,

(e) all properties and all other assets and liabilities that have been divided under section 8 and apportioned to the county are vested in the county, and

(f) all remedies that were available for the collection of any taxes due to a municipality or school district are available to the county in all respects as though those taxes and arrears had been due to the county.

9(1)

9(1) After the establishment of a county,

(a) the Minister may by order change the number or areas of the electoral divisions of the county, or

9(2)

new

(2) Each Minister mentioned in subsection (1) may issue orders and directions necessary to give effect to his decisions.

(3) An order or direction of a Minister made under this section, so far as it relates to matters within his authority, is final and may not be appealed or challenged.

ESTABLISHMENT OF A COUNTY

8 On the effective date of the establishment of the county

(a) each municipality and school division that is wholly included within the county ceases to exist and its council or board ceases to have any jurisdiction, power, duty or function

(b) the council or the board of any municipality or school division that is partly included within the county ceases to have any jurisdiction over the part that is included within the county

(c) all rights, powers, privileges, duties and functions belonging or appertaining to or exercised by any municipality or school division wholly or partly included within the county, or by its board or council, are deemed to be vested in the county or the county council, as the case may be, and the county council has sole jurisdiction within the county

(d) all properties and all other assets and liabilities that belong to each municipality and school division that is wholly included within the county are vested in the county

(e) all properties and all other assets and liabilities that have been divided under section 7 and apportioned to the county are vested in the county, and

(f) all remedies that were available for the collection of any taxes due to a municipality or school district are available to the county in all respects as though those taxes and arrears had been due to the county.

ALTERATION OF REPRESENTATION

9(1) After the establishment of a county, the Minister may by order change

(a) the number or areas of the electoral divisions of the county

(b) the number of councillors to be elected from any electoral division.

(2) An order made under this section becomes effective on the date named in the order.

Proposed Section

Existing Section

9(3) new

9(4) new

10(1) 6(1) After the establishment of a county...

(b) the Local Authorities Board or the Lieutenant Governor in Council may by order change the boundaries of the county in the same manner as similar changes may be made in a municipal district.

19(2) (2) By complementary orders under the *School Act*, the Minister of Education shall transfer school districts or parts of them into or out of the county to make the areas of school districts within the county conform to any changes made under subsection (1) in the boundaries of the county.

19(3) (3) After the establishment of a county, the Minister may by order add to or remove from the county, for school administrative purposes only, a school district situated outside the boundaries of the county.

(4) An order made by the Local Authorities Board under subsection (1)(b) does not take effect unless it is approved by the Lieutenant Governor in Council.

11(1) 5(1) Immediately after the expiration of 4 years from the date of the formation of the county, the county council shall

(a) post up and keep posted for a period of not less than 30 days a notice in the prescribed form in not less than 15 conspicuous places in the county, one of which shall be the office of the county secretary, and

(3) Notwithstanding section 14(1) a county council may by by-law request that the reeve be elected by the

- (a) electors of the county, or
- (b) electors of the county and the educational units

and upon receipt of the request the Minister may by order provide for the election of the reeve in accordance with the request of the council.

(4) Notwithstanding anything in the Act if an order is passed pursuant to subsection (3) providing for the election of the reeve by all of the electors of the county and of the educational units, the reeve so elected is a full member and chairman of the municipal committee and the board of education.

BOUNDARIES

10(1) The Lieutenant Governor in Council, upon the recommendation of

- (a) the Local Authorities Board
- (b) a boundary commission established pursuant to the Municipal Government Act, or
- (c) the Minister

may by order change the boundaries of the county in the same manner as the boundaries of a municipal district may be changed pursuant to the Municipal Government Act.

(2) By complementary orders under the School Act, the Minister of Education shall transfer school districts or parts of them into or out of the county to make the areas of school districts within the county conform to any changes made under subsection (1) in the boundaries of the county.

(3) After the establishment of a county, the Minister of Education may by order add to or remove from the county, for school administrative purposes only, a school district situated outside the boundaries of the county.

PETITION

11(1) Immediately after the expiration of 4 years from the date of the formation of the county, the county council shall

- (a) post up and keep posted for a period of not less than 30 days a notice in the prescribed form in the office of the county, and

Proposed Section

Existing Section

- 11(2) 5(1)(b) publish the notice in a newspaper of general circulation in the county at least once during the period in which the notice is required to be kept posted under clause (a).
- 11(2) (2) At any time after a notice is posted under subsection (1), the electors of the county may petition the county council to conduct a vote on the question of whether the electors of the county are in favour of
- 11(3) (a) the continuation of the county, or
(b) reverting to the form of government existing immediately prior to the formation of the county.
- 11(3) (3) If the county council receives a petition under subsection (2) signed by electors of the county making up not less than 5% of the population of the county, it shall
- (a) notify the Minister of the receipt of the petition by the county council, and
(b) conduct a vote to determine the question.
- 11(4) (5) If a vote is held under this section, the reversion to the previous form of government shall not be proceeded with unless the reversion is approved of by a majority of the electors who voted on the question.
- (6) The Lieutenant Governor in Council shall make those regulations and orders and do all things necessary to give effect to the decision of the electors as determined by the vote.

(b) publish the notice in a newspaper of general circulation in the county at least once during the period in which the notice is required to be kept posted under clause (a)

and the notice may be posted in such additional places or be published such additional number of times as the council may direct.

(2) At any time after a notice is posted under subsection (1), the electors of the county may petition the county council to conduct a vote on the question of whether the electors of the county are in favor of the continuation of the county.

(3) If the county council receives a petition under subsection (2) signed by electors of the county making up not less than 5% of the population of the county, it shall

(a) notify the Minister of the receipt of the petition by the county council, and

(b) conduct a vote to determine the question.

(4) If in a vote held under this section the majority of electors voting are not in favor of the continuation of the county, the Lieutenant Governor in Council may make those regulations and orders and do all things necessary to dissolve the county and to establish a municipal district under the Municipal Government Act and a school division under the School Act.

Proposed Section

Existing Section

- | | |
|-------|---|
| 12(1) | 11(1) The reeve, councillors and electors of a county are a corporation. |
| 12(2) | (2) The corporation <ul style="list-style-type: none">(a) may acquire, hold and alienate both real and personal property for all municipal and school purposes,(b) is capable of acquiring, holding, disposing of and conveying any property, real or personal, for any purpose within its corporate powers,(c) is capable of becoming a party to a contract or agreement that is within the powers of a municipal district, school district or school division, and(d) is capable of acting by the council. |
| 12(3) | (3) The council may exercise all the powers vested in the corporation by this Act or otherwise. |
| 13(1) | 9(1) The governing body of a county shall be a county council to be known as "The Council of the County of, No.". |
| 13(2) | (2) On the publication of the order establishing the county, the Minister shall by order <ul style="list-style-type: none">(a) fix a date on which nominations are to take place for members of the county council,(b) fix a date for the election of members of the county council,(c) make all other necessary arrangements for the conduct of the elections, and(d) fix a date for the first meeting of the county council. |
| 13(3) | 14 Subject to this Act, the county council has and shall exercise all the rights, powers, privileges, duties and functions conferred on <ul style="list-style-type: none">(a) a council by the <i>Municipal Government Act</i> and the <i>Local Authorities Election Act</i> in respect of municipal matters, and(b) a board of trustees of a school division by the <i>School Act</i> in respect of school matters. |

PART III
COUNTY COUNCIL

STATUS

12(1) The reeve, councillors and electors of a county are a corporation.

(2) The corporation

(a) may acquire, hold and alienate both real and personal property for all municipal and school purposes

(b) is capable of acquiring, holding, disposing of and conveying any property, real or personal, for any purpose within its corporate powers

(c) is capable of becoming a party to a contract or agreement that is within the powers of a municipal district, school district or school division, and

(d) is capable of acting by the council.

(3) The council has exclusive authority to exercise all the powers vested in the corporation by this Act or otherwise.

COUNTY COUNCIL

13(1) The governing body of a county shall be a county council to be known as "The Council of the County of" or "The Council of County" if a by-law has been passed pursuant to section 1(7) of this Act.

(2) On the publication of the order establishing the county, the Minister shall provide for the conduct of the first election pursuant to section 7, Local Authorities Election Act and shall fix a date for the first meeting of the county council.

(3) Subject to this Act, the county council has and shall exercise all the rights, powers, privileges, duties and functions conferred on

(a) a council by the Municipal Government Act and the Local Authorities Election Act in respect of municipal matters, and

(b) a board of trustees of a school division by the Local Authorities Election Act and the School Act in respect of

Proposed Section

Existing Section

14(1)

13(1) The county council at its organizational meeting in each year shall elect a reeve from among its members.

14(2)

(2) The reeve is the chief executive officer of the county and all the rights, duties, privileges and powers of the reeve of a municipality and the chairman of the board of trustees of a school division are vested in him.

15(1) and 15(2)

new

16(1)

15 The council shall appoint

(a) a county secretary in whom all the rights, duties, privileges and powers of the municipal secretary of a municipal district and the secretary of a school division are vested, and

(b) any other officials required to assist the county secretary and to provide for the efficient conduct of the business of the county council and its committees.

- (i) the appointment of a secretary, treasurer, auditor or solicitor
- (ii) borrowing money
- (iii) passing by-laws.

ELECTION OF REEVE

14(1) The county council at

- (a) its first meeting held pursuant to section 13, and
- (b) its organizational meeting held in each subsequent year

shall elect a reeve from among its members.

(2) The reeve is the chief officer of the county and has all the rights, duties, privileges and powers of

- (a) the reeve of a municipality, and
- (b) the chairman of the board of trustees of a school division with respect to those matters under the School Act which by this Act are reserved to the council.

SIGNATURES

15(1) All contracts, agreements, cheques and other documents of the county shall be signed by the reeve and the county secretary or the county treasurer unless by by-law the council delegates to a councillor or trustee or another official authority to sign those documents designated in the by-law.

(2) All by-laws of the county shall be signed in accordance with the provisions of the Municipal Government Act.

CORPORATE OFFICIALS

16(1) The council shall by by-law describe the duties of and

- (a) appoint a county secretary, in whom are vested all the rights, duties, privileges and powers of the municipal secretary of a municipal district and the secretary of a school division
- (b) appoint a county treasurer, in whom are vested all the rights, duties, privileges and powers of the municipal treasurer of a municipal district and the treasurer of a school division, and
- (c) provide for the appointment of any other officials required to assist the county secretary and the county treasurer in carrying out the duties of a secretary and a treasurer as described in the Municipal Government Act and the School Act.

Proposed Section

Existing Section

16(2) new

16(3) new

16(4) new

16(5) new

17(1)

16(1) The county council shall, at its organizational meeting in each year, appoint a municipal committee that shall consist of not less than 3 members of the council, one of whom shall be designated as the committee chairman.

30(1) The municipal committee and the board of education have and shall exercise and perform on behalf of the county all the powers and duties that are conferred on or exercised by a council or a board of trustees under the *Municipal Government Act* or the *School Act* respectively, except the power

(a) to borrow money, or

(b) to pass a by-law.

17(5) new

18(1) new

(2) The council may by by-law provide that the offices of the county secretary and the county treasurer be combined into one office to be designated county administrator.

(3) A person appointed as county administrator has all the rights, duties, privileges and powers of a county secretary and a county treasurer.

(4) The council shall appoint a county auditor, who shall have all the rights, duties, privileges and powers of an auditor under the Municipal Government Act and the School Act.

(5) The council may retain or appoint a county solicitor in accordance with the provisions of the Municipal Government Act for the retention or appointment of a municipal solicitor.

MUNICIPAL COMMITTEE

17(1) A county council may, at its organizational meeting, appoint a municipal committee, which shall consist of not fewer than 3 members of the council.

(2) The municipal committee has and shall exercise and perform on behalf of the county the powers and duties the council delegates to it and may exercise or perform the powers and duties delegated to it in like manner and with the same effect as if the powers and duties were exercised or performed by the council.

(3) Notwithstanding subsection (2) the county council may not delegate any of the following powers to a municipal committee

(a) the power to appoint a secretary, treasurer, auditor or solicitor

(b) the power to borrow money

(c) the power to pass by-laws.

(4) The municipal committee at its first meeting held subsequent to the organizational meeting of the county council in each year shall elect a chairman from among its members.

(5) If a county council does not appoint a municipal committee, a reference in this Act to a municipal committee shall be deemed to be a reference to the county council.

OTHER COMMITTEES

18(1) Subject to this section, a county council shall appoint the boards and committees that the council of a municipal district is required to appoint by any other Act.

Proposed Section

18(2)

18(3)

Existing Section

16(1.1) A county council may appoint an agricultural committee under the *Agricultural Service Board Act*.

(2) In addition to the municipal committee a county council may appoint other committees as it considers necessary.

(2) A county council may appoint an agricultural committee under the Agricultural Service Board Act.

(3) A county council may appoint and describe the terms of reference of any additional board or committee that it considers necessary, composed of members of the council or other persons, or both.

Proposed Section

Existing Section

19(1)

25 If

(a) a school division or part of it is included in a county and that school division or part of it contained a school district that included a city, town or village, or

(b) a school district or part of it is included in a county for school purposes only and that school district or part of it includes a city, town or village,

that city, town or village, as the case may be, is deemed to be included in the county for school purposes.

RSA 1980 cC-27 s25; 1983 c72 s10

19(2)

26 If one or more school districts or any part or parts of them are

(a) located outside the boundaries of a county, and

(b) included in the county for school purposes only,

those school districts and parts of them, other than those portions that are within the boundaries of a town or village, are deemed to comprise one educational unit of the county.

19(3)

22 (2) Not less than 45 days before nomination day for the election of school representatives,

(a) the council of the city, town or village, if the city, town or village is an educational unit, and

(b) the Minister of Education, if the educational unit is one referred to in section 26,

shall advise the county council of the population of the educational unit.

20(1)

18(1) Immediately after the publication in The Alberta Gazette of the order establishing a county, the secretary of each school division incorporated in whole or in part in the county under that order shall notify

(a) the council of each city, town or village that will be an educational unit included in that county, and

(b) the Minister of Education, in respect of those school districts or parts of them included in the county as an educational unit under section 26.

of the formation of the county and the date set for the first meeting of the county council.

PART IV
BOARD OF EDUCATION

INCLUSION OF SCHOOL DISTRICTS AND DIVISIONS

19(1) If

(a) a school division or part of it is included in a county and that school division or part of it contained a school district that included an urban municipality, or

(b) a school district or part of it is included in a county for school purposes only and that school district or part of it includes an urban municipality

that urban municipality is deemed to be included in the county for school purposes.

(2) If one or more school districts or any part or parts of them are

(a) located outside the boundaries of a county, and

(b) included in the county for school purposes only,

those school districts and parts of them, other than those portions that are within the boundaries of an urban municipality, are deemed to comprise one educational unit of the county.

(3) Not later than August 15 in each year the municipal secretary of each urban municipality that is included in the county for school purposes shall advise the county secretary of the population of the urban municipality as defined in section 1(2) of this Act.

NOTICE OF FORMATION OF COUNTY

20(1) Immediately after the publication in the Alberta Gazette of the order establishing a county, the secretary of each school division incorporated in whole or in part in the county under that order shall notify

(a) the council of each city, town or village that will be an educational unit included in that county, and

(b) the Minister of Education, in respect of those school districts or parts of them included in the county as an educational unit under section 19(2)

of the formation of the county and the date set for the first meeting of the county council.

Proposed Section

Existing Section

20(2)

18(2) The council of each city, town and village referred to in subsection (1)(a) shall appoint as many school representatives as the electors of that city, town or village would be entitled to elect under section 19 or 20 if an election were held under those sections.

20(3)

(3) The Minister of Education shall, with respect to the school districts or parts of them referred to in subsection (1)(b), appoint as many school representatives as the electors of that educational unit would be entitled to elect under section 19 or 20 if an election were held under those sections.

20(4)

(4) The only persons who may be appointed as school representatives under subsections (2) and (3) are persons who are eligible to become school representatives under section 23(1).

20(5)

(6) The term of office of a person appointed under this section as a school representative shall be for a period commencing on the date of the first meeting of the county council after the formation of the county and terminates on the date of the first meeting of the county council following the date that the election is held to fill that position of school representative.

21(1)

19(1) The electors of an educational unit may elect

(a) one school representative if the population of the educational unit is greater than 1000 persons but not greater than 2000 persons;

(b) 2 school representatives if the population of the educational unit is greater than 2000 persons but not greater than 4000 persons;

(c) 3 school representatives if the population of the educational unit is greater than 4000 persons.

(2) Subject to section 21, the county council shall appoint the school representatives elected under this section to the board of education.

20(1) If an educational unit has a population of 1000 persons or less, the electors of the educational unit may elect one school representative.

21(2)

new

22(1)

17(1) The county shall, at its organizational meeting in each year, establish a board of education consisting of

(2) The council of each city, town and village referred to in subsection (1)(a) shall appoint as many school representatives as the electors of that city, town or village would be entitled to elect under section 21 if an election were held under that section.

(3) The Minister of Education shall, with respect to the school districts or parts of them referred to in subsection (1)(b), appoint as many school representatives as the electors of that educational unit would be entitled to elect under section 21 if an election were held under that section.

(4) The only persons who may be appointed as school representatives under subsections (2) and (3) are persons who are eligible to become school representatives under section 22(3).

(5) The term of office of a person appointed under this section as a school representative shall be for a period commencing on the date of the first meeting of the board of education after the formation of the county and terminates on the date of the first meeting of the board of education following the date that the election is held to fill that position of school representative.

ELECTION OF SCHOOL REPRESENTATIVES

21(1) The electors of an educational unit may elect

(a) one school representative if the population of the educational unit is not greater than 2000 persons

(b) 2 school representatives if the population of the educational unit is greater than 2000 persons but not greater than 4000 persons

(c) 3 school representatives if the population of the educational unit is greater than 4000 persons.

(2) Notwithstanding any other Act, a permanent resident of a summer village which is included in a county for school purposes but is not an educational unit who

(a) is an elector, and

(b) is otherwise qualified pursuant to the Local Authorities Election Act

is eligible to be nominated for, vote in the election of and sit as a school representative of the educational unit designated by order of the Minister.

BOARD OF EDUCATION ESTABLISHED

22(1) A county shall have a board of education, the trustees of which shall be

Proposed Section

Existing Section

- (a) not less than 3 members of the county council, and
- (b) the school representatives appointed from educational units in accordance with section 18 or sections 19, 20 and 21, as the case may be.

22(2)

new

22(3)

- 17 (3) Notwithstanding anything in this or any other Act, a person who is an elector of a school district that is not included in the county for school purposes is not eligible to be a member of the board of education.

22(4)

- (4) The board of education at its first meeting held subsequent to the organizational meeting of the county council shall elect a chairman from among its members.

22(5)

- (5) The county council shall, not less than 30 days prior to nomination day for the next general election, determine the number of school representatives to be elected in respect of each educational unit and on making that determination the county secretary shall notify

(a) the council of a city, town or village, if that city, town or village is an educational unit, of the number of school representatives which the electors of that educational unit are entitled to elect, and

(b) the Minister of Education, if the educational unit is one referred to in section 26, of the number of school representatives which the electors of that educational unit are entitled to elect.

23(1)

- 24 If the office of school representative of an educational unit becomes vacant before the term of office expires, a by-election shall not be held to fill the office if, according to the more recent census determined under section 22(1), the population of the educational unit is no longer sufficient to permit the electors of the educational unit to elect a person to that office.

- (a) not less than three members of the county council appointed by the council at its organizational meeting, and
 - (b) the school representatives from the educational units
 - (i) appointed in accordance with section 20, or
 - (ii) elected in accordance with section 21.
- (2) (a) Each person who is appointed pursuant to subsection (1)(a) shall assume office as a trustee at the first meeting of the board of education after his appointment by the council.
- (b) Each person who is appointed or elected pursuant to subsection (1)(b) shall take the official oath and assume office as a trustee at the first meeting of the board of education after his appointment or election.
- (3) Notwithstanding anything in this or any other Act, a person who is an elector of a school district that is not included in the county for school purposes is not eligible to be a trustee.
- (4) The board of education at its first meeting held subsequent to the organizational meeting of the county council shall elect a chairman from among its members.
- (5) The county secretary shall, not less than 30 days prior to nomination day for the next general election, determine the number of school representatives to be elected in respect of each educational unit and on making that determination the county secretary shall notify
- (a) the council of an urban municipality which municipality is an education unit of the number of school representatives which the electors of that educational unit are entitled to elect, and
 - (b) the Minister of Education, if the educational unit is one referred to in section 19(2), of the number of school representatives which the electors of that educational unit are entitled to elect

and that the council or the Minister is required to conduct the election of that number of school representatives pursuant to the Local Authorities Election Act.

VACANCY ON BOARD OF EDUCATION

23(1) If the office of school representative becomes vacant before the term of office expires, the elected authority of the educational unit

- (a) shall hold a by-election if the remaining portion of the term of office is more than 18 months, and

Proposed Section

Existing Section

23(2) new

24(1)

28 A school representative sitting on the board of education has the same rights, privileges and powers and shall receive the same remuneration and expenses for attendance at meetings of the board of education as do the members of the county council who sit on the board of education.

24(2) new

24(3) new

25(1) new

25(2) new

25(3) new

(b) may hold a by-election if the remaining portion of the term of office is 18 months or less

except that a by-election shall not be held if the population of the educational unit is no longer sufficient to permit the electors of the educational unit to elect a person to that office.

(2) If a position on the board of education occupied by a member of the council becomes vacant, the council

(a) shall, if the number of councillors remaining as trustees is less than 3, and

(b) may, if the number of councillors remaining as trustees is 3 or more

appoint another member of the council to fill the vacancy until the next organizational meeting of the council.

DUTIES OF SCHOOL REPRESENTATIVES

24(1) A person who is elected as a school representative is a member of the board of education and has the same rights, duties, privileges and powers as do the member of the county council who are appointed to the board of education.

(2) If, pursuant to the Municipal Government Act, the county has a pension plan for the members of the council, the trustees who are school representatives are eligible to participate in the plan.

(3) In addition to the duties prescribed in subsection (1), a school representative shall make a report on the activities of the board of education at the annual meeting of the educational unit if one is held in any year.

REMUNERATION

25(1) The board of education shall establish the remuneration and expenses payable to a trustee for service on the board of education.

(2) The rates established under subsection (1) are the rates payable to members of the county council and to school representatives for service as trustees.

(3) When pursuant to section 33 a school representative is attending a meeting of the county council, that person shall be paid remuneration and expenses at the rates established by the council for service as a member of the council.

Proposed Section

Existing Section

26(1) and (2)

30(1) The municipal committee and the board of education have and shall exercise and perform on behalf of the county all the powers and duties that are conferred on or exercised by a council or a board of trustees under the *Municipal Government Act* or the *School Act* respectively, except the power

(a) to borrow money, or

(b) to pass a by-law.

(2) The municipal committee and the board of education may each exercise or perform its powers and duties in like manner and with the same effect as if the powers were exercised or the duties were performed by the county council.

26(3)

(3) Subject to subsection (1), the chairman of the municipal committee and the chairman of the board of education may each exercise or perform the rights, duties, privileges and powers of the reeve of a municipality or the chairman of the board of trustees of a school division, as the case may be, in like manner and with the same effect as if they were exercised or performed by the reeve of the county council.

27

27 A person is not eligible to be appointed or elected as a school representative or entitled to sit or vote as a school representative on the board of education if he has himself or by, with or through another an interest in any contract with the council or with any person acting for the council, or in any contract under which any money of the county is to be paid for any service, work, matter or thing, except as provided in the *School Act* or the *Local Authorities Election Act*.

BOARD OF EDUCATION RESPONSIBILITIES

26(1) Subject to this Act a board of education has and shall exercise and perform on behalf of the county all the powers and duties that are conferred on or exercised by a board of trustees under the School Act and may exercise or perform its powers and duties in like manner and with the same effect as if the powers and duties were exercised or performed by the county council.

(2) Notwithstanding subsection (1), the board of education does not have any of the following powers

- (a) the power to appoint a secretary, treasurer, auditor or solicitor
- (b) the power to borrow money, or
- (c) the power to pass by-laws.

(3) Subject to this Act, the chairman of the board of education has all the rights, duties, privileges and powers of the chairman of the board of trustees of a school division with respect to matters that are within the jurisdiction of the board of education pursuant to this Act.

DISQUALIFICATION

27 Sections 29 to 35.1, Municipal Government Act, apply to

- (a) a person who is a member of the council, and
- (b) a person who is a trustee

and a reference in those sections to the council shall be deemed to be a reference to the board of education with respect to any matter affecting the trustees.

Proposed Section

Existing Section

- | | |
|-------|---|
| 28(1) | 31(1) The municipal committee and the board of education shall submit separate estimates to the county council in each year. |
| 28(2) | (2) The county council shall consider and review the estimates and may <ul style="list-style-type: none">(a) reduce or increase one or both of the estimates, or(b) return the estimates to the municipal committee or the board of education, as the case may be, for revision. |
| 28(3) | (3) The county council shall finally adopt the budget for the county. |
| 28(4) | (4) The portion of the budget of the county approved on behalf of the municipal committee shall be administered and expended under the direction of that committee. |
| 28(5) | (5) The portion of the budget of the county approved on behalf of the board of education shall be administered and expended under the direction of that board. |
| 28(6) | new |

- | | |
|----|--|
| 29 | 32 The amount of the surplus or deficit resulting from the revenues and expenditures of the board of education's portion of the budget shall <ul style="list-style-type: none">(a) in the case of a surplus, be available and used only to the credit of the board of education's portion of the budget in following years, and(b) in the case of a deficit, be an obligation on the board of education's portion of the budget in following years. |
|----|--|

- | | |
|-------|--|
| 30(1) | 33(1) When a person is a school representative and sits on the board of education, that person shall exercise the rights, privileges and powers of a member of the county council when the business before the county council relates to the annual estimates of the board of education. |
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PART V

FINANCE

ESTIMATES AND BUDGET

28(1) The municipal committee and the board of education shall submit separate estimates to the county council in each year.

(2) The county council shall consider and review the estimates and may

(a) approve one or both of the estimates, or

(b) return the estimates to the municipal committee or the board of education, as the case may be, for reconsideration.

(3) The county council shall finally adopt the budget for the county.

(4) The portion of the budget of the county approved on behalf of the municipal committee shall be administered and expended under the direction of that committee in accordance with this Act.

(5) The portion of the budget of the county approved on behalf of the board of education shall be administered and expended under the direction of that board in accordance with this Act.

(6) When the county council has adopted the budget it shall establish the mill rates necessary to be levied on the assessment of the county to raise the taxes required.

SURPLUS OR DEFICIT FROM OPERATIONS

29 The amount of the surplus or deficit resulting from the revenues and expenditures of the board of education's or the municipal committee's portion of the budget shall

(a) in the case of a surplus, be available and used only to the credit of the board of education's or the municipal committee's portion of the budget in following years as the case may be, and

(b) in the case of a deficit, be an obligation on the board of education's or the municipal committee's portion of the budget in following years as the case may be.

POWER OF TRUSTEES

30(1) A school representative shall exercise the rights, privileges and powers of a member of the county council when the business before the county council relates to

Proposed Section

Existing Section

30(2)

33(2) If the chairman of the board of education is a school representative, that person shall exercise the rights, privileges and powers of a member of the county council when the business before the county council

(a) relates to the portion of the budget of the county that is administered or expended on behalf of the board of education, or

(b) concerns a matter governed by the *School Act*.

30(3)

new

31(1)

34(1) The board of education shall, in preparing its estimates, calculate the amount of the requisition to be made on

(a) the council of a city, town or village, if that city, town or village is an educational unit, and

(b) the Minister of Municipal Affairs, if all or part of an improvement district or special area is an educational unit,

and when the county council adopts its budget, it shall send requisitions to the council of that city, town or village or the Minister of Municipal Affairs, as the case may be.

31(2)

(2) The provisions of the *School Act*, in so far as they are applicable, govern the preparation of the estimates and the calculation and payment of the requisition.

32(1)

37(1) The county council shall by by-law authorize the secretary-treasurer to levy, on the assessed value of all land and improvements set out in the assessment roll of the county and situated within any municipal hospital district, a tax to produce the total amount of all sums that may be requisitioned annually by the boards of all municipal hospital districts.

- (a) the annual estimates of the board of education
- (b) the approval of the budget of the board of education, or
- (c) a matter described in subsection (3).

(2) If the chairman of the board of education is a school representative, that person shall exercise the rights, privileges and powers of a member of the county council when the business before the county council

- (a) relates to the portion of the budget of the county that is administered or expended on behalf of the board of education, or
- (b) concerns a matter governed by the School Act, or
- (c) relates to a by-law under section 38.

(3) If the county council fails to pass a by-law to borrow money for any purpose included in the approved budget of the board of education, on the request of the chairman of the board of education the reeve shall cause the required by-law to be placed on the agenda of the next ensuing regular meeting of the council or shall call a special meeting of the council to consider the by-law.

SCHOOL REQUISITIONS

31(1) The board of education shall, in preparing its estimates, calculate the amount of the requisition to be made on

- (a) the council of an urban municipality which is included in the county for school purposes
- (b) the council of a municipal district if part of the municipal district is included in the county for school purposes
- (c) the Minister if all or part of an improvement district or special area is included in the county for school purposes

and when the county council adopts the budget it shall send requisitions to the council of that urban municipality or municipal district or the Minister as the case may be.

(2) The provisions of the School Act, insofar as they are applicable, govern the preparation of the estimates and the calculation and payment of the requisition.

LEVY TO COVER OTHER REQUISITIONS

32(1) The county council shall by by-law authorize the treasurer to levy, on the assessed value of all land and improvements set out in the assessment roll of the county and situated within any district, a tax to produce the total amount of all sums that may be requisitioned annually by the boards of all districts.

Proposed Section

Existing Section

32(2)

37 (2) The tax may,

(a) notwithstanding section 93 of the *Municipal Taxation Act*, be at a uniform rate on the dollar as the county council considers sufficient to produce the combined requisitions of all municipal hospital districts, or

(b) be at a uniform rate on the dollar within each municipal hospital district as the county council considers sufficient to produce the requisition of the municipal hospital district.

32(3)

new

33(1)

~~32~~(1) Notwithstanding section 36, in the case of a borrowing by a county for school purposes, Part 7 of the *School Act* applies with all necessary modifications.

33(2)

(2) When Part 7 of the *School Act* applies to a debenture borrowing by a county for school purposes, the electors of a school district included in a county for school purposes pursuant to section 7 and the electors of a city, town, village or rural school district deemed under section 25 or 26 to be included in the county for school purposes, shall be deemed to be electors of the county for the purposes of Part 7 of the *School Act*.

34

new

(2) The tax may

(a) notwithstanding section 93 of the Municipal Taxation Act, be at a uniform rate on the dollar as the county council considers sufficient to produce the combined requisitions of all districts, or

(b) be at a uniform rate on the dollar within each district as the county council considers sufficient to produce the requisition of the district.

(3) In this section, "district" means

(a) a hospital district as defined in the Hospitals Act

(b) a district as defined in the Nursing Homes Act, or

(c) a foundation as defined in the Senior Citizens Housing Act.

BORROWING FOR SCHOOL PURPOSES

33(1) In the case of a borrowing by a county for school purposes, Part 7 of the School Act applies with all necessary modifications.

(2) When Part 7 of the School Act applies to a debenture borrowing by a county for school purposes, the electors of a school district or division included in a county for school purposes shall be deemed to be electors of the county for the purposes of Part 7 of the School Act.

34(1) The county council may authorize the county treasurer to use any money in the possession of the county for any operating purpose within the authority of the county during the fiscal year.

(2) When for an interim period, extending beyond the fiscal year but for not more than 5 years

(a) money contained in municipal surpluses is required for school capital purposes, or

(b) money contained in school surpluses is required for municipal capital purposes

the county council and the board of education by resolution may approve an arrangement for the use of the money available for a specified interim period at a fair and current rate of interest.

Proposed Section

Existing Section

35

new

36(1)

39(1) If authorized by a by-law to do so, a county council may, without the approval of the propriety electors, acquire land for the purpose of erecting on the land a county administrative office, acquire or build that office and furnish and equip that office.

36(2)

(2) The county council may defray the costs incurred under subsection (1) in respect of a county administrative office from the general revenues of the county.

37(1)

40(1) Immediately after the election of the chairman at the annual meeting of ratepayers provided for by the *Municipal Government Act*, the chairman shall provide for a discussion of school affairs, during which time the electors of cities, towns and villages and of rural school districts included in the county for school purposes shall be entitled to participate, to sponsor motions and to vote on any matter or resolution that is brought before the meeting on school affairs.

37(2)

new

PART VI

FACILITATION OF COOPERATION

PURPOSE

35(1) The purpose of this Part is to facilitate cooperation between the municipal committee and the board of education with regard to activities which are common to the responsibilities of both of them.

(2) In this Part "consultation" means the exchange of information and advice with the purpose of enabling a decision which is in the best interests of the electors of the county and of the educational units.

COUNTY OFFICE

36(1) If authorized by a by-law to do so, a county council in consultation with the board of education may, without the approval of the propriety electors, acquire land for the purpose of erecting on the land a county office, acquire or build that office and furnish and equip that office.

(2) The county council may defray the costs incurred under subsection (1) in respect of a county office from the general revenues of the county.

ANNUAL MEETING

37(1) If, pursuant to the Municipal Government Act, a county council decides to hold an annual meeting

(a) the county secretary shall call the meeting to order and preside over the selection of a chairman

(b) an opportunity for discussion of school affairs shall be provided immediately following the election of the chairman, and

(c) the school electors of the county and of the educational units may participate in, sponsor motions and vote on any matter that is brought before the meeting on school affairs.

(2) If

(a) pursuant to the Municipal Government Act, the county council decides not to hold an annual meeting, or

(b) the county council decides that it would be preferable to hold separate annual meetings for the discussion of municipal matters and school affairs

Proposed Section

Existing Section

37(3)

(2) In lieu of the notice provided for by section 123(2) of the *Municipal Government Act*, the county secretary shall

(a) cause to be issued a notice in the prescribed form, and

(b) publicize the notice as closely as possible in the same manner as provided in the *Local Authorities Election Act*.

(3) Notwithstanding subsection (2)(b) a notice in the prescribed form shall be published in a newspaper circulating within the county.

38

new

39

new

the board of education may hold an annual meeting for discussion of school affairs.

(3) The county secretary shall give notice of an annual meeting under this section in a manner as similar as possible to that provided for notices of elections under section 35(2) of the Local Authorities Election Act.

SYSTEM OF ADMINISTRATION

38(1) A county council may by by-law

(a) establish a system of administration appropriate for the municipal purposes of the county

(b) in consultation with the board of education establish a system of administration appropriate for the provision of common services to the municipal committee and the board of education, or

(c) in consultation with the board of education establish a system of administration appropriate to the county.

(2) The county council may by by-law provide for the appointment and designate the duties of a county manager or one or more county commissioners.

(3) The provisions of the Municipal Government Act respecting a municipal manager or municipal commissioner apply to a county manager or county commissioner appointed pursuant to this section insofar as they are not inconsistent with this Act.

(4) The provisions of the School Act respecting a superintendent of schools apply to a county superintendent of schools insofar as they are not inconsistent with this Act.

COMMON SERVICES BY-LAW

39(1) Notwithstanding anything in this or any other Act but subject to subsection (2), a county council may pass a by-law respecting the provision of common administrative services to the municipal committee and the board of education known as the "County of Common Services By-law" or the "....County Common Services By-law".

(2) No by-law shall be passed under this section until a resolution by the board of education and the municipal committee is passed approving the by-law, and the resolutions shall be attached to and form part of the by-law.

(3) A Common Services by-law may provide for



(a) the establishment and membership of a Common Services Committee that has all the powers of the municipal committee and the board of education with respect to the services and responsibilities delegated to it and the description of the services and responsibilities delegated to it

(b) the delegation by

(i) the municipal committee to the board of education, or

(ii) the board of education to the municipal committee

of its powers with respect to common services and the description of the services and responsibilities for which the powers are delegated, or

(c) such other matters as are considered appropriate in order to enable the efficient and effective provision of the support services that are common to the municipal committee and the board of education.

Proposed Section

Existing Section

40

new

PART VII
LOCAL OPTIONS

MODIFIED SYSTEM OF REPRESENTATION

40(1) Subject to the provisions of this section the council of a county may by by-law establish a system of representation on the board of education of the county that is not provided for in this Act or that is a modification of the system under this Act.

(2) Within 30 days of receiving a request by

(a) the board of education, or

(b) a 2/3 majority of the elected authorities for the educational units in the county

for a by-law under this section, the council shall give first reading to the by-law and the request shall be attached to and form part of the by-law.

(3) If the council gives first reading to a by-law under this section on its own initiative, the by-law shall not receive second reading until a resolution is passed by

(a) the board of education, or

(b) a 2/3 majority of the elected authorities for the educational units in the county

approving the proposed by-law and the resolutions shall be attached to and form part of the by-law.

(4) Following first reading of a by-law under this section and the receipt of the resolution(s) required under subsection (2), the council shall submit the proposed by-law for approval by the Minister.

(5) Following receipt of the Minister's approval the council shall publish a notice of the proposed by-law in a form approved by the Minister, at least once a week for two consecutive weeks in at least one newspaper circulating within the limits of the county and of each education unit in the county.

(6) If a petition for a vote on the proposed by-law is received by the county secretary within 15 days of the last publication of the notice signed by electors equal in number to at least 10% of the total population of the county and of the educational units in the county, the council, if it decides to proceed with the by-law, shall submit the proposed by-law to a vote of the electors of the county and of the educational units.

Proposed Section

Existing Section

41

new

(7) If the proposed by-law

- (a) is approved by the Minister
- (b) is advertised as required
- (c) (i) is not required to be submitted to a vote of the electors, or
 - (ii) is approved by a majority vote of the electors
- (d) includes the resolution(s) of support pursuant to subsection (2)

the council may proceed to finally pass the by-law.

(8) A by-law under this section may be amended or repealed by the council pursuant to the provisions of this section except that a by-law may be amended without giving notice if the amendment does not materially affect the by-law in principle or in substance.

(9) Upon receipt of a petition signed by electors equal in number to at least 10% of the total population of the county and of the educational units in the county for a by-law to amend or repeal a by-law under this section, the county council shall

- (a) within 30 days of receipt of the petition give first reading to the proposed by-law and submit it for the approval of the Minister
- (b) within 60 days of receipt of the approval to submit it to a vote of the electors

and if the by-law is approved by a majority vote of the electors shall proceed to finally pass the by-law.

MODIFIED COUNTY

41(1) The council of a county may by by-law request the modification of the county pursuant to this section.

(2) The provisions of section 40 except subsection (9) with respect to the powers of the board of education, the elected authorities of the educational units, and the electors and the provisions with respect to advertising, petitioning and voting on a by-law proposed under section 40 apply to a proposed by-law under this section.

(3) A by-law passed under this section shall be forwarded to the Minister who in consultation with the Minister of Education may recommend the modification of the county to the Lieutenant Governor in Council.



(4) Upon receipt of the receipt of the recommendation of the Minister, the Lieutenant Governor in Council may by order modify the county to provide for

(a) the establishment of electoral divisions within the county for the election of members of the municipal committee

(b) the establishment of electoral divisions within the county for the election of members of the board of education

(c) the election of the reeve by all of the electors of the county and of the educational units

(d) the appointment of a council comprised of the reeve and two persons designated by each of the municipal committee and the board of education

(e) the delegation to the council, the municipal committee or the board of education of any powers, duties or responsibilities which by this Act are assigned to any one of them

(f) any other matter which may be required to give effect to the intent of this section.

(5) In a modified county the reeve is a full member and chairman of the municipal committee and of the board of education and has all the rights, duties, privileges and powers of the reeve of a municipal district under the Municipal Government Act and the chairman of the board of trustees of a school division under the School Act.

(6) An order under this section may provide that one or more sections of Part III or Part IV of this Act do not apply to a modified county.

Proposed Section

Existing Section

42

42 The Lieutenant Governor in Council may make regulations and orders, not inconsistent with this Act, as he considers necessary for the proper carrying out of the Act's purposes and, without restricting the generality of the foregoing may make regulations prescribing forms for the purposes of this Act.

SECTIONS NOT CARRIED FORWARD AS A RESULT OF

a) Elimination of Rotation

18(1.1), (2), (5); 20(2), (3), (4), (5); 21(1), (2); 29

b) General Reference to Local Authorities Election Act

9(3), (4), (5)

c) Otherwise Redundant

3, 41

PART VIII

REGULATIONS

REGULATIONS

42(1) The Lieutenant Governor in Council may make regulations providing for any matter not provided for or insufficiently provided for in this Act.

(2) A regulation made under subsection (1) ceases to have any effect after the last day of the next ensuing session of the Legislature.

(3) The Minister may make regulations

(i) prescribing forms to be used for any purpose under this Act

(ii) including a summer village in an educational unit pursuant to section 21(2).